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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,305	09/21/1999	MASAKI NAKAGAWA	JEL-30769	3293

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EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/400,305

Applicant(s)

Nakawaga et al.

Examiner

Cao "Kevin" Nguyen

Art Unit

2173



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 04/15/02

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 4 - 7 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 4 and 7 is/are allowed.

6)  Claim(s) 5 and 6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

Art Unit: 2173

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al. (US Patent No. 5,845,122).

Regarding claim 5, Nielsen et al. discloses a method for controlling displayed contents on a display device, upon selecting one of a plurality of selective radio buttons on a display screen by a calling point, characterized in that, even though one of said plurality of selective radio buttons has been selected by the calling point (see abstract), when the calling point is shifted, a radio button directed by the calling point placed in the shifted position is alternatively selected, and the selection of a radio button which has been selected when the calling status by the calling point is finally canceled is established (see col. 5, lines 1-67).

Regarding claim 6, Nielsen et al. discloses a method for controlling displayed contents on a display device, characterized in that, when said calling point exceeds an uppermost side of the selective radio buttons, the uppermost radio button is selected, and when exceeding a lowermost side of the selective radio buttons, the lowermost radio button is selected (see col. 6, lines 10-67).

Art Unit: 2173

*Response to Amendment*

3. Applicant's arguments filed on April 14, 2002 have been fully considered but they are not persuasive.

Applicant election with traverse of group III in paper No. 9 is acknowledged. The traversal is on the ground(s) that the invention would required common or non-burdensome search and do not comprise independent and distinct inventions. This is not found persuasive because while there may or may not be overlapping searches for each of the defined inventions, the divergent subject matter contained in the nonelected group(s) or invention(s) would warrant significant additional consideration if addressed on the merits. Additionally, the Examiner remains of the position that the inventions as defined in the previous restriction requirement comprise distinct and independent inventions as discussed in the last Office Action. The requirement is still deemed proper and hereby made Final.

*Allowable Subject Matter*

4. Claims 4 and 7 are allowed over prior art of record.

5. The following is a statement of reasons for the indication of allowable subject matter:  
Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art either singularly or in combination. They are a method for controlling

Art Unit: 2173

displayed contents on a display device upon checking or unchecking in check boxes which are continuously arranged together with their check items in the vertical direction, characterized in that, when a calling point is made to pass in the vertical direction on a display screen in order to pass through desired, continuous check items of said check items, these desired, continuous check items are selected, and subsequently when the calling point is further shifted in one direction of the transverse direction on the display screen, the selected items are checked, and when the calling point is shifted in the other direction of the transverse direction on the display screen, the selected items are unchecked. These features are not found or suggested in the prior art.

The present invention is directed a when a calling point is made to pass in the vertical direction on a display screen in order to pass through desired, continuous check items of check items, these desired, continuous check items are selected, and subsequently when the calling point is further shifted in one direction of the transverse direction on the display screen, the selected items are checked, and when the calling point is shifted in the other direction of the transverse direction on the display screen, the selected items are unchecked. Each independent claims 4 and 7 are identified the uniquely distinct features "upon selecting one of menus continuous in the vertical direction on a display screen by a calling point, characterized in that, when the calling point is deviated in the transverse direction from a scroll area of said menus, the menus in the scroll area are displayed with reduction scale in order to increase the number of displayed menus, and in this condition, when the calling point is shifted in the vertical direction, one of the menus in the scroll area which stand in row with the calling point is selected, and thereafter,

Art Unit: 2173

when the calling point is made to get back within said scroll area, the menus in the scroll area is displayed with original scale so as to display said selected menu in the scroll area". The closest prior art, Nielsen et al. (US Patent No. 5,845,122) disclose a conventional visual appearance of the visual objects in the set is changed again when the user performs the second action, either singularly or in combination, fail to anticipate or render the above underline limitation obvious.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

*Response*

7. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Art Unit: 2173

*Inquires*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Cao "Kevin" Nguyen  
**Primary Examiner** (AU 2173)  
June 24, 2002